

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Juvenile Justice**  
**(Amendment)**

**505 KAR 1:120. Department of Juvenile Justice Policies and Procedures Manual: Health and Safety Services.**

RELATES TO: KRS 15A.065, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095 and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference. (1) The "Department of Juvenile Justice Policy and Procedures Manual: Health and Safety Services", March 30, 2018~~[February 10, 2014]~~, is incorporated by reference and includes the following:

400 ~~[Health Services]~~ Definitions (Amended 03/30/18~~[2/10/14]~~)

400.1 Health Services (Amended 03/30/18~~[2/10/14]~~)

401 Health Services Administration and Personnel (Amended 03/30/18~~[2/10/14]~~)

402 Access to Treatment and Continuity of Care ~~[Medical, Dental, and Mental Health]~~  
(Amended 03/30/18~~[2/10/14]~~)

402.1 Continuity of Care and Medical Discharge (Amended 03/30/18~~[2/10/14]~~)

403 Medical Records (Amended 03/30/18~~[2/10/14]~~)

404.1 Admission Screening for Physical and Mental Challenges (Amended 12/15/17~~[2/10/14]~~)

404.2 Ectoparasite Control (Amended 03/30/18~~[10/11/13]~~)

404.3 Health Assessment and Physical Examination (Amended 03/30/18~~[10/11/13]~~)

404.4 Sick Call (Amended 03/30/18~~[10/11/13]~~)

404.5 Access to Diagnostic Services (Amended 03/30/18~~[10/11/13]~~)

404.6 Emergency Services (Amended 03/30/18~~[10/11/13]~~)

404.7 First Aid and First Aid Kits (Amended 03/30/18~~[10/11/13]~~)

404.8 Hospital Care (Amended 03/30/18~~[2/10/14]~~)

404.10 Special Needs Treatment Plans (Amended 03/30/18~~[10/11/13]~~)

404.11 Perinatal Care (Amended 03/30/18~~[10/11/13]~~)

404.12 Oral Screening and Oral Care (Amended 03/30/18~~[2/10/14]~~)

404.13 Preventative Health Care (Amended 03/30/18~~[10/11/13]~~)

404.14 Family Planning Services (Amended 03/30/18~~[2/10/14]~~)

405 Behavioral~~[Mental]~~ Health Services Administration and Personnel (Amended 03/30/18~~[10/11/13]~~)

405.1 Behavioral~~[Mental]~~ Health Assessment and Evaluation (Amended 03/30/18~~[10/11/13]~~)

405.2 Forced Psychotropic Medications (Amended 03/30/18~~[2/10/14]~~)

405.3 Referral for Behavioral~~[Mental]~~ Health Services (Amended 03/30/18~~[10/11/13]~~)

405.4 Suicide Prevention and Intervention (Amended 03/30/18~~[2/10/14]~~)

405.5 Behavioral~~[Mental]~~ Health Emergencies (Amended 03/30/18~~[10/11/13]~~)

405.6 Psychiatric Hospitalization (Amended 03/30/18~~[2/10/14]~~)

406 Therapeutic Restraints (Amended 03/30/18~~[10/11/13]~~)

- 407 Pharmaceuticals (Amended 03/30/18[10/11/13])
- 408.1 Forensic Information (Amended 03/30/18[10/11/13])
- 409 Substance Abuse and Chemical Dependency (Amended 03/30/18[10/11/13])
- 410 Orthoses, Prostheses~~Protheses~~ and Other Aids to Reduce the Effects of Impairments (Amended 03/30/18[10/11/13])
- 411 Notification in Emergencies (Amended 03/30/18[2/10/14])
- 414 Environmental Health and Safety (Amended 03/30/18[10/11/13])
- 415 Occupational Exposure to Bloodborne Pathogens (Amended 03/30/18[10/11/13])
- 416 HIV/AIDS/STI~~[STD]~~ (Amended 03/30/18[10/11/13])
- 416.1 Infectious Communicable Disease (Amended 03/30/18[10/11/13])
- 424 Emergency Preparedness Plans (Amended 03/30/18[2/10/14])
- 424.1 Emergency Plans for Central Office (Amended 03/30/18~~[Added 10/11/13]~~)
- 426 Dietary Services (Amended 03/30/18[2/10/14])
- 427 Maintenance (Amended 03/30/18[10/11/13])
- 427.1 Control and Use of Tools and Sharps (Amended 03/30/18[10/11/13])
- 428 Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials (Amended 03/30/18[2/10/14])
- 428.1 Control of Hazardous Materials in Central Office (Amended 03/30/18[10/11/13])
- 430 Pets and Domestic Animals (Amended 03/30/18[10/11/13])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m.

CAREY D. COCKERELL, Commissioner

APPROVED BY AGENCY: March 29, 2018

FILED WITH LRC: March 30, 2018 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2018 at 10:00 a.m. Eastern Time at the Department of Juvenile Justice, 1025 Capital Center Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: William Codell, Assistant General Counsel, Department of Juvenile Justice, 1025 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-2738, fax (502) 573-0836, email William.Codell@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: William Codell

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the community operations of the Department of Juvenile

Justice including the assessment, supervision and case management of juveniles probated or committed to the Department.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 15A.065 and KRS 15A.067.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation governs every aspect of the program services for the community population of the Department of Juvenile Justice.

(d) How this administrative regulation currently assists, or will assist, in the effective administration of the statutes: By providing clear and concise direction and information to the Department of Juvenile Justice employees and the community population as to their duties, rights, privileges, and responsibilities.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment shall bring the Department of Juvenile Justice in to compliance to reflect actual practice of the agency and compliance.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 15A.065 and 15A.067.

(c) How the amendment conforms to the content of the authorizing statutes: It permits the Commissioner or her authorized representative to implement or amend practices or procedures to ensure the safe and efficient operation of the Department of Juvenile Justice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will help the Department of Juvenile Justice to operate more efficiently.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 250 employees of the Department of Juvenile Justice, approximately 1100 youth in all programs, and all visitors and volunteers to Department of Juvenile Justice.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: All entities will meet the minimum standards as dictated by federal and state law, American Correctional Association (ACA).

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Department of Juvenile Justice employees and volunteers will provide quality health care in accordance with standardized practice. The Department of Juvenile Justice youth shall receive health care prescribed by law and standardized by the American Correctional Association (ACA).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No monetary cost will be incurred by the youth, employees, or volunteers of the Department of Juvenile Justice.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Department will be accredited by the ACA and will provide all medical care prescribed by law. The Department youth shall receive quality health care and reside within a safe environment.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No Additional funding will be required.

(b) On a continuing basis: No Additional funding will be required on an annual basis

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds budgeted for this 2016-2018 biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: None

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as the Sections 2 and 3 of the Kentucky Constitution.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Response: Department of Juvenile Justice

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. Response: KRS 15A.065(1), 15A.067

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The revised administrative regulations will only impact the Department of Juvenile Justice. There are no anticipated expenditures for initial staff training or annual training thereafter.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Response: None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Response: None.

(c) How much will it cost to administer this program for the first year? Response: The revised administrative regulations will only impact the Department of Juvenile Justice. No Additional funding will be required for the first year.

(d) How much will it cost to administer this program for subsequent years? Response: No Additional funding will be required for the first year.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): No revenue will be generated from this regulation.

Expenditures (+/-): Expenditures relate to training staff and auditing programs to ensure compliance.

Other Explanation: This regulation will provide a clear and concise policies and procedures for all youth receiving services from the Department of Juvenile Justice, and reflect the treatment and practice of the agency.